IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	**:**	**CRIMINAL NO._____**
v.	**:**	**DATE FILED: _____**
WILLIAM SZYMANSKI	**:**	**VIOLATIONS: 21 U.S.C. §§ 331(k), 333(a)(1) (causing the misbranding of**
	:	**drugs- 1 count)**

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

At times material to this information:

DRUG SAMPLES

1. The term "drug sample" means a unit of a prescription drug which is not intended to be sold and is intended to promote the sale of the drug in accordance with 21 U.S.C. §353(c).

2. Under the Prescription Drug Marketing Act, 21 U.S.C. §353, a manufacturer or distributor of a prescription drug may distribute prescription drug samples to a licensed practitioner, the pharmacy of a hospital, or another health care entity at the request of a licensed practitioner. Prescription drug samples are not to be delivered to retail pharmacies for sale to consumers.

3. A drug sample may be delivered by mail or common carrier or by drug representatives ("detail persons") provided that the manufacturer or distributor makes the distribution pursuant to a written request from a licensed practitioner and, in certain instances, the recipient of the drug samples executes a written receipt upon their delivery and returns the receipt to the manufacturer or distributor.

4. The Prescription Drug Marketing Act was enacted for several reasons, one being that "[t]he existing system of providing drug samples to physicians through manufacturer's representatives has been abused for decades and has resulted in the sale to consumers of misbranded, expired, and adulterated pharmaceuticals." 21 U.S.C. §353 (note).

THE SCHEME

5. Defendant WILLIAM SZYMANSKI was a pharmaceutical sales representative who worked for Astra-Zeneca Pharmaceuticals.

6. Defendant WILLIAM SZYMANSKI delivered approximately 5800 non-controlled prescription drug samples, including the drug Celebrex, to a pharmacist known to the United States Attorney. The drug samples were then placed into the pharmacy's inventory by the pharmacist, thus causing them to be misbranded, that is, the correct lot number and the expiration dates for the drugs did not appear on the label of the bottle from which the drugs were dispensed by the pharmacist.

7. From on or about July 2000 through February 2001, in Philadelphia, Pennsylvania, in the Eastern District of Pennsylvania, defendant

WILLIAM SZYMANSKI

caused the repackaging of thousands of drug samples while such drugs were held for sale after shipment in interstate commerce, thereby resulting in the drugs being misbranded within the meaning of Title 21, United States Code, Section 352(a), in that the labeling was false and misleading because it contained an incorrect lot number and expiration date for those drugs.

In violation of Title 21, United States Code, Sections 331(k) and 333(a)(1).

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PATRICK L. MEEHAN
UNITED STATES ATTORNEY

NOTICE OF ADDITIONAL FACTORS

1. In committing the offense charged in Count One of this information, defendant WILLIAM SZYMANSKI:

a. Committed an offense in which the defendant abused a position of trust public and private trust, as described in U.S.S.G. §3B1.3.

b. Committed an offense in which the defendant used a special skill, in a manner that significantly facilitated the commission and concealment of the offense, as described in U.S.S.G. § 3B1.3.

c. Committed an offense in which the loss exceeded $5,000, as described in U.S.S.G. § 2F1.1(b)(1).